IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD
(SPECIAL ORIGINAL JURISDICTION)

FRIDAY THE SIXTEENTH DAY OF SEPTEMBER TWO THOUSAND AND FIVE
: PRESENT :
THE HON'BLE MR. JUSTICE: **L.NARASIMHA REDDY**

W.P. Nos. 17172, 16995 & 17455 of 2005

W.P.No.17172 of 2005
Between:
B. Harshitha.

Petitioner

AND

1. Government of Andhra Pradesh, represented by its Secretary, Department of Youth, Advancement, Tourism and Culture (SPORTS), Secretariat, Hyderabad.
2. NTR University of Health Sciences, Vijayawada – 520 008, represented by its Chairman.
3. Sana Sayestha Khan, D/o. Not known to the petitioner, Occ: Student, MBBS I Year, Osmania Medical College, Koti, Hyderabad.
4. M.Kishore, S/o. Not known to the petitioner, Occ: Student, MBBS I Year, Kakatiya Medical College, Warangal.
5. Asna Zain, D/o. Not known to the petitioner, Occ: Student, MBBS I Year, Shaadan Medical College, Moinabad, R.R.District.
6. Sowmay Sri, D/o. Not known to the petitioner, Occ: Student, MBBS I Year, Gandhi Medical College, Musheerabad, Hyderabad.
7. Ramya Subhashini, D/o. Not known to the petitioner, Occ: Student, MBBS I Year, Kamineni Institute of Medical Sciences, Narketpally, Nalgonda District.
8. M.Spandana, D/o. Not known to the petitioner, Occ: Student, MBBS I Year, Venkata Sai Institute of Medical Sciences, Mahaboobnagar, Mahaboobnagar District.
9. Manasa Chintawar, D/o. Not known to the petitioner, Occ: Student, MBBS I Year, Mamata Medical College, Khammam.
10. A.Bhavya, D/o. Not known to the petitioner, Occ: Student, BDS I Year, Sri Sai College of Dental Surgeon, Vikarabad, R.R.District.
11. Vice Chairman and Managing Director, The Sports Authority of A.P., L.B.Stadium, Hyderabad.
    (RR 3 to 10 are impleaded as per court order dt. 2-9-05 in WPMP. 23816/05)
    (RR 11 is impleaded as per court order dt. 6-9-05 in WPMP. 25003/05)

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus by declaring that, the petitioner is eligible for admission in MBBS course under Sports category in O.U. Quota as per G.O.Ms. No. 27, dated 04-06-2005 and G.O.Ms.No. 31, dated 29-6-2005 and direct the 2nd respondent to admit the petitioner into MBBS Course from retrospective for the academic year 2005-2006.

The Petition coming on for hearing upon perusing the petition and affidavit filed herein and the order of the High Court dated.10-08-2005 and made herein and upon hearing the arguments of Mr. B.Chandrasen Reddy, Advocate for the Petitioner and of G.P. for Youth, Advancement, Tourism and Culture for the Respondent No.1 and of Mr. D.V.Nagarjuna Babu – S.C. for NTR University for the Respondent No.2 and of Mr. K.Janardhan Reddy – S.C. for Sports Authority for the Respondent No.11.

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W.P.No.16995 of 2005
Between:
L. Gayatri Gottumukkala.

Petitioner

AND

1. State of Andhra Pradesh, rep. by its Principal Secretary to Government, Education (HE) Department, Secretariat, Saifabad. Hyderabad.
2. The State of Andhra Pradesh, rep. by its Secretary to Government, Youth Advancement, Tourism & Culture (Sports) Department, Secretariat, Saifabad, Hyderabad.
3. NTR University of Health Sciences, Vijayawada, rep. by its Registrar.
4. The Vice-Chancellor-cum-Chairman Under Graduate Admission Committee, NTR University of Health Sciences, Vijayawada.
5. The Sports Authority of Andhra Pradesh, rep. by its Managing Director, Lalbahadur Stadium, Hyderabad.
6. S.Keerthi Priyanka, D/o. Not known to the petitioner, First Year MBBS Student, Andhra Medical College, Maharanipet, Visakhapatnam – 530 002.
7. Rao Chitra Lekya, First year MBBS Student, Rangaraya Medical College, Pitapuram Road, Kakinada – 533 033.
8. Jana Ramya, D/o. Not known to the petitioner, First Year MBBS Student, Konaseema Medical College, Amalapuram, East Godavari District.
9. Pragatika Dadhichi, D/o. Not known to the petitioner, First Year MBBS Student, GSL Medical College, N.H.5, Lakshmipuram, Rajanagaram Mandal, Rajahmundry. 533 295.
10. Narne Eswararao, S/o. Not known to the petitioner, First Year MBBS Student, NRI Medical College, China Kakani, Guntur District.
11. Siva Naga Bhargavi, D/o. Not known to the petitioner, First Year BDS Student, Vishnu Dental College, Vishnupur, Bheemavaram – 534 202.
12. Medda Ravinarasimham, S/o. Not known to the petitioner, First Year BDS Student, Sri Sai Dental College and Research Institute, D.No. 6-2-15, Chinnabasar, Chapuram, Srikakulam – 532 001.
13. Soumya Madhuri, D/o. Not known to the petitioner, First Year BDS Student, SIBAR Institute of Dental Sciences, D.No. 153/1/207/1, Takkillapadu, Guntur District – 522 509.
14. Vamsi Varam, S/o. Not known to the petitioner, First Year MBBS Student, Siddartha Medical College, Gunadala, Vijayawada – 520 008.

(RR 5 to 14 are impleaded as per court order dt. 12-9-05 in WPMP. 25089/05)

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not following the Scheme contained in G.O.Ms. No. 27, dated 04-06-2005 issued by the 2nd respondent herein while making the admissions into the 1st M.B.B.S Course for the academic session 2005-2006 in sports quota as illegal, arbitrary, unjust, and against to the conditions prescribed in the G.O.Ms. No. 27, dated 4-6-2005 issued by the 2nd respondent herein and against to the Constitutional guarantees and consequently direct the respondents to consider the petitioners daughter's admission into the 1st M.B.B.S. Course in Sports quota in accordance with the said G.O.Ms. No. 27, dated 4-6-2005 issued by the 2nd respondent herein.

The Petition coming on for hearing upon perusing the petition and affidavit filed herein and the order of the High Court dated.10-08-2005 and made herein and upon hearing the arguments of Mr. Nooty Rama Mohana Rao, Advocate for the Petitioner and of G.P. for Higher Education for the Respondents 1 & 2 and of Mr. D.V.Nagarjuna Babu – S.C. for NTR University for the Respondents 3 & 4 and of Mr. K.Janardhan Reddy – S.C. for Sports Authority for the Respondent No.5.

..3..

W.P.No.17455 of 2005

Between:

S. Nikitha Goud.

Petitioner

AND

1. State of Andhra Pradesh, rep. by its Principal Secretary to Government, Education (HE) Department, Secretariat, Saifabad. Hyderabad.
2. The State of Andhra Pradesh, rep. by its Secretary to Government, Youth Advancement, Tourism & Culture (Sports) Department, Secretariat, Saifabad, Hyderabad.
3. NTR University of Health Sciences, Vijayawada, rep. by its Registrar.
4. The Vice-Chancellor-cum-Chairman Under Graduate Admission Committee, NTR University of

Health Sciences, Vijayawada.

5. Sports Authority Of Andhra Pradesh, Lalbahadursastry Stadium, Basheerbagh, Hyderabad, rep. by it's Managing Director.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not following the Scheme contained in G.O.Ms. No. 27, dated 04-06-2005 issued by the 2nd respondent herein while making the admissions into the 1st M.B.B.S Course for the academic session 2005-2006 in sports quota as illegal, arbitrary, unjust, and against to the conditions prescribed in the G.O.Ms. No. 27, dated 4-6-2005 issued by the 2nd respondent herein and against to the Constitutional guarantees and consequently direct the respondents to consider and grant to the Writ Petitioner admission into the 1st M.B.B.S. Course in Sports quota in accordance with the said G.O.Ms.No. 27, dated 4-6-2005 issued by the 2nd respondent herein.

The Petition coming on for hearing upon perusing the petition and affidavit filed herein and the order of the High Court dated.10-08-2005 and made herein and upon hearing the arguments of Mr. Nooty Rama Mohana Rao, Advocate for the Petitioner and of G.P. for Higher Education for the Respondents 1 & 2 and of Mr. D.V.Nagarjuna Babu – S.C. for NTR University for the Respondents 3 & 4 and of Mr. K.Janardhan Reddy – S.C. for Sports Authority for the Respondent No.5.

The Court made the following **ORDER:**

" After hearing the learned counsel for the petitioners, the learned Standing Counsel for the University and the learned Standing Counsel for the Sports Authority of the state, it had emerged that the priorities assigned to the petitioners and some of the candidates, who have been selected against the sports category, have been changed without any basis. The sports Authority of the state is unable to offer any explanation as to the change of the priorities.

For example, in their initial assessment, they assigned to the candidate at Sl.No.258, Gayatri, the priority of '24'. However, within a short time, it was changed to '27'. Similarly, the priorities of the candidates, who have been admitted, were upgraded from lower ranks. An irregularity has also taken place in the matter of treating a candidate by name Ramya Subhashini in relation to treating her as local candidate of a particular area. In her form, she claimed the status of a local candidate for Andhra University Area, whereas she was treated as the local candidate of Osmania University Area. This court finds it difficult to pronounce upon validity or otherwise, of these exercises, at this stage.

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After hearing the learned counsel for the parties at length, this court feels it appropriate that the matter of selection of candidates in the context of the complaints made by the petitioners herein, deserves to be examined by the authorities of the university as well as the Sports Authority of the state.

Hence, the Registrar of NTR Univesity of Health Sciences, shall convene a meeting, wherein the Director of Sports Authority of the State the petitioners, their parents, the candidates whose ranks were altered and admitted in the courses, together with their parents shall be present, and joint verification shall be conducted with reference to the original records, on 22-09-2005 at 10.30 A.M. in the office of the Registrar of NTR University of Health, Sciences at Vijayawada. The Registrar shall prepare minutes of the meeting as well as the outcome of the verification with reference to each candidate and submit a report thereof on 26-09-2005.

Post on 26-09-2005 in the Motion List."

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The Secretary, Department of Youth, Advancement, Tourism and Culture (SPORTS), Government

of Andhra Pradesh, Secretariat, Hyderabad.

2. The Chairman, NTR University of Health Sciences, Vijayawada – 520 008, Krishna District.
3. The Principal Secretary to Government, Education (HE) Department, State of Andhra Pradesh, Secretariat, Saifabad. Hyderabad.
4. The Registrar, NTR University of Health Sciences, Vijayawada, Krishna District. (**By Speed Post**)
5. The Vice-Chancellor-cum-Chairman Under Graduate Admission Committee, NTR University of Health Sciences, Vijayawada, Krishna District.
6. The Vice Chairman and Managing Director, Sports Authority of Andhra Pradesh, Lalbahadursastry Stadium, Basheerbagh, Hyderabad. (**By Spl. Messenger**)
7. Sana Sayestha Khan, D/o. Not known to the petitioner, Occ: Student, MBBS I Year, Osmania Medical College, Koti, Hyderabad.
8. M.Kishore, S/o. Not known to the petitioner, Occ: Student, MBBS I Year, Kakatiya Medical College, Warangal.
9. Asna Zain, D/o. Not known to the petitioner, Occ: Student, MBBS I Year, Shaadan Medical College, Moinabad, R.R.District.
10. Sowmay Sri, D/o. Not known to the petitioner, Occ: Student, MBBS I Year, Gandhi Medical College, Musheerabad, Hyderabad.
11. Ramya Subhashini, D/o. Not known to the petitioner, Occ: Student, MBBS I Year, Kamineni Institute of Medical Sciences, Narketpally, Nalgonda District.
12. M.Spandana, D/o. Not known to the petitioner, Occ: Student, MBBS I Year, Venkata Sai Institute of Medical Sciences, Mahaboobnagar, Mahaboobnagar District.
13. Manasa Chintawar, D/o. Not known to the petitioner, Occ: Student, MBBS I Year, Mamata Medical College, Khammam.
14. A.Bhavya, D/o. Not known to the petitioner, Occ: Student, BDS I Year, Sri Sai College of Dental Surgeon, Vikarabad, R.R.District.
15. S.Keerthi Priyanka, D/o. Not known to the petitioner, First Year MBBS Student, Andhra Medical College, Maharanipet, Visakhapatnam – 530 002.
16. Rao Chitra Lekya, First year MBBS Student, Rangaraya Medical College, Pitapuram Road, Kakinada – 533 033.

17. Jana Ramya, D/o. Not known to the petitioner, First Year MBBS Student, Konaseema Medical College, Amalapuram, East Godavari District.
18. Pragatika Dadhichi, D/o. Not known to the petitioner, First Year MBBS Student, GSL Medical College, N.H.5, Lakshmipuram, Rajanagaram Mandal, Rajahmundry. 533 295.
19. Narne Eswararao, S/o. Not known to the petitioner, First Year MBBS Student, NRI Medical College, China Kakani, Guntur District.
20. Siva Naga Bhargavi, D/o. Not known to the petitioner, First Year BDS Student, Vishnu Dental College, Vishnupur, Bheemavaram – 534 202.
21. Medda Ravinarasimham, S/o. Not known to the petitioner, First Year BDS Student, Sri Sai Dental College and Research Institute, D.No. 6-2-15, Chinnabasar, Chapuram, Srikakulam – 532 001.
22. Soumya Madhuri, D/o. Not known to the petitioner, First Year BDS Student, SIBAR Institute of Dental Sciences, D.No. 153/1/207/1, Takkillapadu, Guntur District – 522 509.
23. Vamsi Varam, S/o. Not known to the petitioner, First Year MBBS Student, Siddartha Medical College, Gunadala, Vijayawada – 520 008.
24. Dr. B.Raj Kumar, S/o. Late Sri B.R.Babu Rao, being minor natural guardian and father of B.Harshitha, D/o. Dr. B.Raj Kumar, R/o. H.No. 41, Venkatadrinagar Colony, Hyderabad – 500 028.
25. G.Satyanarayanaraju, S/o. Appalaraju, Natural Guardian of L.Gayatri Gottumukkala, D/o. G.Satyanarayanaraju, R/o. Flat No.203, White House, D.No. 54-13-6/7, Seethammadhara, Visakhapatnam – 13.
26. Sri Ashok Goud, S/o. S.Nagan Goud, Natural Guardina of S.Nikitha Goud, D/o. S.Ashok Goud, R/o. MIG-II, Block-III, F-6, Baghlingampally, Hyderabad.
27. Two CCs to G.P for Youth Advancement, Tourism and Culture, High Court of A.P., Hyd(OUT)
28. Two CCs to G.P for Higher Education, High Court of A.P., Hyd(OUT)
29. One spare copy.

SAH

HIGH COURT

DATED : 10-08-2005

Note : Post on 16-8-2005

ORDER

W.P. Nos. 17172, 17455 and 16995 of 2005

DIRECTION.

HIGH COURT

USR

DRAFTED ON : 11-08-2005
APPROVED ON :

SARJ

DATED : 10-08-2005

Note : Post on 16-8-2005

ORDER

W.P. Nos. 17172, 17455 and 16995 OF 2005

DIRECTION.